

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2700

By: Fourkiller

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 1-116.3, which relates to the self-  
10 administration of inhaled asthma or anaphylaxis  
11 medication; allowing school districts to amend  
12 certain policy; permitting physician to write certain  
13 prescription; allowing school districts to maintain a  
14 minimum number of Epinephrine injectors at each  
15 school; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.3, is  
18 amended to read as follows:

19 Section 1-116.3 A. Notwithstanding the provisions of Section  
20 1-116.2 of this title, the board of education of each school  
21 district shall adopt a policy on or before September 1, 2008, that  
22 permits the self-administration of inhaled asthma medication by a  
23 student for treatment of asthma and the self-administration of  
24 anaphylaxis medication by a student for treatment of anaphylaxis.

The policy shall require:

1 1. The parent or guardian of the student to authorize in  
2 writing the student's self-administration of medication;

3 2. The parent or guardian of the student to provide to the  
4 school a written statement from the physician treating the student  
5 that the student has asthma or anaphylaxis and is capable of, and  
6 has been instructed in the proper method of, self-administration of  
7 medication;

8 3. The parent or guardian of the student to provide to the  
9 school an emergency supply of the student's medication to be  
10 administered pursuant to the provisions of Section 1-116.2 of this  
11 title;

12 4. The school district to inform the parent or guardian of the  
13 student, in writing, that the school district and its employees and  
14 agents shall incur no liability as a result of any injury arising  
15 from the self-administration of medication by the student; and

16 5. The parent or guardian of the student to sign a statement  
17 acknowledging that the school district shall incur no liability as a  
18 result of any injury arising from the self-administration of  
19 medication by the student.

20 B. The school board of each school district shall amend the  
21 policy identified in subsection A of this section. The amended  
22 policy shall allow:

23 1. The school district to inform the parent or guardian of each  
24 student, in writing, that a school nurse or trained school employee

1 may administer, without a health care provider order, an Epinephrine  
2 injector to a student whom the school nurse or trained school  
3 employee in good faith professionally believes is having an  
4 anaphylaxis reaction, regardless of whether the medication was  
5 authorized; and

6 2. The school district and its employees and agents to incur no  
7 liability as a result of any injury arising pursuant to paragraph 1  
8 of this subsection.

9 C. A licensed physician may write a prescription for  
10 Epinephrine injectors to be maintained at each school site.

11 D. The school district may maintain at each school a minimum of  
12 two Epinephrine injectors in a locked, secure location.

13 ~~B.~~ E. As used in this section:

14 1. "Medication" means a metered dose inhaler or a dry powder  
15 inhaler to alleviate asthmatic symptoms, prescribed by a physician  
16 and having an individual label, or an anaphylaxis medication used to  
17 treat anaphylaxis, including but not limited to Epinephrine  
18 injectors, prescribed by a physician and having an individual label;  
19 and

20 2. "Self-administration" means a student's use of medication  
21 pursuant to prescription or written direction from a physician.

22 ~~C.~~ F. The permission for self-administration of asthma or  
23 anaphylaxis medication is effective for the school year for which it  
24

1 is granted and shall be renewed each subsequent school year upon  
2 fulfillment of the requirements of this section.

3 ~~D.~~ G. A student who is permitted to self-administer asthma or  
4 anaphylaxis medication pursuant to this section shall be permitted  
5 to possess and use a prescribed inhaler or anaphylaxis medication,  
6 including but not limited to an Epinephrine injector, at all times.

7 SECTION 2. This act shall become effective November 1, 2012.

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